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8 IN THE UNITED STATES DISTRICT COURT
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10 FOR THE NORTHERN DISTRICT OF CALIFORNIA

11 JOSEPHINE T. HEARTWELL,

12 Plaintiff,

13 v.

14 PRUDENTIAL INSURANCE COMPANY OF
15 AMERICA,

16 Defendant.
17 _____/

No. C 10-04751 CW

CONDITIONAL ORDER
OF DISMISSAL AND
DENYING WITHOUT
PREJUDICE
DEFENDANT'S MOTION
TO INTERPLEAD FUNDS
(Docket No. 26)

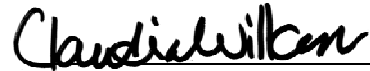
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19 The parties hereto, through the Magistrate Judge, having
20 advised the Court that they have agreed to a settlement of this
21 cause,

22 IT IS HEREBY ORDERED that this cause be dismissed with
23 prejudice; provided, however, that if any party hereto shall
24 certify to this Court, with proof of service of a copy thereon on
25 opposing counsel, within 90 days from the date hereof, that the
26 agreed consideration for said settlement has not been delivered
27 over, the foregoing Order shall stand vacated and this cause shall
28 forthwith be restored to the calendar to be set for trial; and

1 IT IS FURTHER ORDERED that Defendant Prudential Insurance
2 Company of America's motion to interplead funds and to dismiss is
3 DENIED without prejudice to renewal in the event that the
4 settlement is not consummated.

5 IT IS SO ORDERED.

6
7 Dated: 5/5/2011



CLAUDIA WILKEN
United States District Judge

UNITED STATES DISTRICT COURT
FOR THE
NORTHERN DISTRICT OF CALIFORNIA

HEARTWELL et al,

Case Number: CV10-04751 CW

Plaintiff,

CERTIFICATE OF SERVICE

v.

PRUDENTIAL INSURANCE COMPANY OF
AMERICA et al,

Defendant.

I, the undersigned, hereby certify that I am an employee in the Office of the Clerk, U.S. District Court, Northern District of California.

That on May 5, 2011, I SERVED a true and correct copy(ies) of the attached, by placing said copy(ies) in a postage paid envelope addressed to the person(s) hereinafter listed, by depositing said envelope in the U.S. Mail, or by placing said copy(ies) into an inter-office delivery receptacle located in the Clerk's office.

Josephine T. Heartwell
15024 Costela Street
San Leandro, CA 94579

Dated: May 5, 2011

Richard W. Wieking, Clerk
By: Nikki Riley, Deputy Clerk